

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MICHAEL MCGREGOR, ZACHARY GIAMBALVO,  
PAUL FELICE, MATTHEW OLIVIERI, EDWARD  
NEWMAN, and DARK STORM INDUSTRIES, LLC,

Plaintiffs,

23 Civ. 1130

-against-

SUFFOLK COUNTY, New York,  
Police Commissioner RODNEY HARRISON,  
in his Official Capacity, and Acting Superintendent  
STEVEN NIGRELLI, in his Official Capacity,

**DECLARATION OF  
PAUL FELICE**

Defendants.

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PAUL FELICE, declares pursuant to 28 U.S.C. § 1746 that:

1. I am a plaintiff in the above-captioned matter. I make this Declaration of my own personal knowledge and if called as a witness, I could and would testify competently to the truth of the matters set forth herein.
2. I submit this Declaration in support of Plaintiffs' application to preliminarily and permanently enjoin the entirety of New York State Senate Bill 9458, referred to herein as the "Rifle Bill", which is a violation of my rights as presumptively protected by the Second and Fourteenth Amendments.
3. I am a resident of Suffolk County, New York and I have no prohibitions or disqualifications to the lawful purchase, receipt, possession, or ownership of firearms.
4. I presently own long guns, including semiautomatic rifles, one of which I purchased from Dark Storm Industries after passing a NICS background check.
5. I enjoy target shooting, whether alone or with friends, at various gun ranges including Dark Storm Industries and Calverton. I go target shooting at least 1-2 times per month.

When I go target shooting with his friends, it is not uncommon for us to take turns target shooting with one another's semi-automatic rifles.

6. Because neither I nor my friends hold Rifle Licenses – and cannot obtain one because SCPD does not issue Rifle Licenses - we are barred by Penal Law 265.65 and 265.66 from engaging in protected conduct – possessing, giving, and taking possession of semiautomatic rifles, which are in common use.

7. I have a present plan and intention to purchase a semi-automatic rifle, a Black Rain Ordnance, which would be transferred to me through Dark Storm Industries after I am subject to and pass a NICS background check.

8. Because I do not have, nor do I intend to apply for, a discretionary Rifle License, the Rifle Bill is an absolute bar to my purchase of a weapon in common use.

9. The Rifle Bill should be enjoined in its entirety because it is preventing me from exercising conduct presumptively protected by the Second Amendment.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 02/14/2023

Paul W. Felice  
Paul Felice